

November 8, 2021

BY ECF

Honorable Paul G. Gardephe
Thurgood Marshall
United States Courthouse
40 Foley Square, Room 705
New York, NY 10007

RE: James v. Iconix Brand Group, Inc. et al., 1:16-cv-02212-PGG

Dear Judge Gardephe:

On behalf of all parties in the above-referenced consolidated action, we respectfully write in response to the Court's order dated November 3, 2021 (ECF No. 33) to provide the following update.

On June 11, 2021, Nominal Defendant Iconix Brand Group ("Iconix") entered into a definitive agreement and plan of merger, which closed on August 4, 2021 and resulted in Iconix becoming a private company. Further, on November 1, 2021, a jury acquitted Iconix's former Chief Executive Officer, Neil Cole, of conspiracy charges and failed to reach a verdict on all remaining counts.

In light of the above, pursuant to Rules 23.1(c) and 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs are submitting a notice of voluntary dismissal with proposed order dismissing the above-captioned action. No payments have been made to Plaintiffs or their counsel and the parties will each bear their own costs and expenses.

The parties respectfully request that the Court enter the proposed order and terminate this matter.

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Respectfully submitted,

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